

Thank you for letting me speak. I'm glad for HB 4327. Unfortunately, I don't think it will help by son. My husband and I pled no contest to two counts of CSC first degree (13-16) for Dan. This is how it happened.

In 1994 Dan was a victim of aggravated assault. He suffered facial fractures around the left eye and underwent three hours of surgery. He had terrible pain. He developed post traumatic stress disorder which led to alcohol and marijuana abuse. Prior to that, we had no trouble with him.

In 1995, Dan and his cousin were 15 and a half. The girl was 9 days older. They got drunk and had sex in a field in town. They then walked all the way across town, several miles. It was 7 pm, daylight, a densely populated residential community. People were out all over town. The girl never asked for help or gave anyone any indication that Dan had hurt or forced her to do anything. They then crossed a busy road to another field where they had sex again. She followed him into the secluded spot, across a busy street. So they had sex twice within one or two hours. I never knew, nor did Dan, that it is against the law for same-aged teenagers to have consensual sex.

My son was charged with two counts of CSC, first degree, (13-16 years). He was charged as an adult because they are first cousins and that is the blanket law in Michigan. He never had a pretrial or a trial. The attorney the state provided, Lyle Harris, advised us to waive the pretrial and we followed his advice. This lawyer also said that since Dan had admitted to having sex, there was nothing he could do but plead insanity. He said "the law says if you have sex with someone under 16, you are guilty of statutory rape even though you are the same age." Dan spent six long months in a county juvenile facility. Lyle Harris had done nothing to help so we hired a new attorney, Patrick O'Connor. Then Dan was assigned to Hawthorne where he finally got some therapy. But Patrick O'Connor said that he didn't want to go to trial because he didn't know enough about the case because there was no pretrial. Dan was 16 and 5 months before he went before a judge, Helen Brown, charged as an adult. Since the state regarded him as a juvenile for that purpose, he couldn't make the decision to have a trial or not. On the other hand, the state said he was an adult for the purpose of charging him with a crime. No one told us about the sex offender registry before we pled no contest for him. We never would have pled no contest if we'd have known about it. My son was sent to Wedgwood. He had to go to treatment for sex offenders. The therapist discharged him from sex offender therapy saying it wasn't needed and it was detrimental.

Dan completed his sentence and probation. He has earned an associate of business degree. He has his own business. He's a landscape designer. He does great work. He has been clean and sober for two years. This month he temporarily moved to Las Vegas, Nevada. He was turned down three times for apartments because of the sex offender registry. This cost him an extra \$100.00 because he had to stay another day at the motel before he could find an apartment. I am hopeful HB 4327 will pass and will apply to him but concerned because he has two felony counts because they had sex twice that day. If you have any questions I can talk to you in private after the committee meeting.